

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION

WILLIE FRANK TUCK, JR.,

Plaintiff;

VS.

WYLE CAS GROUP, INC.,

Defendant.

5:14-cv-1282-LSC

## ORDER

This is a 42 U.S.C. § 1981 action filed by the plaintiff alleging that the defendant-employer discriminated against him on the basis of his race. The Court has before it the Motion to Compel Arbitration pursuant to the Federal Arbitration Act, 9 U.S.C. § 1 *et seq.*, filed by the defendant. (Doc. 7.) The defendant requests that this action be dismissed or, in the alternative, stayed pending arbitration. The plaintiff has consented to the motion to compel arbitration. (Doc. 12.)

The magistrate judge filed a report and recommendation on September 16, 2014, recommending that the motion be granted and that this action be referred to arbitration and stayed pending arbitration of the plaintiff's claims. (Doc. 13.) The

parties were allowed fourteen days to file written objections to the magistrate judge's report and recommendation. No objections were filed. The undersigned judge was randomly selected to issue a ruling on the magistrate judge's report and recommendation.

After having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the magistrate judge's recommendation that the Court grant the motion and refer this action to arbitration is ACCEPTED. However, rather than stay this action pending arbitration, this Court will dismiss the action with leave to reopen for the purpose of enforcing the arbitration award, if necessary.

Accordingly, the unopposed motion to compel arbitration (doc. 7) is hereby GRANTED. This action is hereby DISMISSED without prejudice. Either party may move the Court to reopen this case in order to enforce any award resulting from the arbitral proceedings, if necessary. Costs are taxed as paid.

Done this 7<sup>th</sup> day of October 2014.

A handwritten signature in black ink, appearing to read 'L. Scott Coogler', written over a horizontal line.

L. Scott Coogler  
United States District Judge  
[160704]